



PITTWATER COUNCIL

# PLANNING PROPOSAL

## PP0005/13

To rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G and 9 Fern Creek Road of the Warriewood Valley Urban Land Release Area to a residential zone

To introduce maximum dwellings permitted in Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G of the Warriewood Valley Urban Land Release Area

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## **PART 1 OBJECTIVES OR INTENDED OUTCOMES**

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To rezone specific land 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP, being:

- 1 Fern Creek Rd (Lot 1 DP 736961) and adjoining Orchard Street Road Reserve (*identified as Sector 901D and adjoining Orchard Street Road Reserve*)
- 12 Orchard Street (Lot C1 DP 373690) - *battle axe portion only (identified as Sector 901E)*,
- Lot 11 DP 1092788 (*identified as Sector 901G*),
- 9 Fern Creek Road (*Lot 5 DP736961*)

To introduce maximum numbers of dwelling number permitted in:

- Sector 901D and adjoining Orchard Street Road Reserve and Sector 901E
- Sector 901G

of the Warriewood Valley Release Area.

It is not intended to state a dwelling yield for 9 Fern Creek Road.

## **PART 2 EXPLANATION OF PROVISIONS**

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The proposed outcome will be achieved by:

- An amended zoning map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 5 of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of definition of “the Zoning Map” contained in subclause (1), this paragraph:

[Pittwater Local Environmental Plan 1993 \(Amendment No. #\) – Sheet 1](#)

- A new map is provided for this Planning Proposal (See **MAP 4**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

[Land at Warriewood within Sector 901D including north-west portion of road reserve, 901E and 901G of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked “Pittwater Local Environmental Plan 1993 \(Amendment No. #\)”.](#)

- Amending Clause 30C of the *Pittwater Local Environmental Plan 1993* as follows:-

[Sectors 901D and 901E including adjoining Orchard Street road reserve – not more than 16 dwellings](#)

[Sector 901G – not more than 6 dwellings](#)

- A new map is provided for this Planning Proposal (See **MAP 5**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (8), these paragraphs:

Sector 901D including northern portion of road reserve, 901E and 901G of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

## **PART 3 JUSTIFICATION**

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### **Section A Need for the Planning Proposal**

#### **1. Is the planning proposal a result of any strategic study or report?**

The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for medium density residential development (being 25 to 60 dwellings per hectare) within the Release Area. The Strategic Review Report, endorsed by the Director-General of Planning & Infrastructure, however identified Sectors 901D including adjoining Orchard Street road reserve (north-west portion), 901E and 901G as not capable, due to environmental constraints, of development above 25 dwellings per hectare.

Council's adopted Warriewood Valley Planning Framework 2010 (adopted 3 May 2010) identified these lands had capacity for development at a lower density, and was further confirmed in Council's report of 12 June 2013 namely:

*"Although the Final Draft Strategic Review Report recognised no development potential greater than 25 dwellings per hectare for some sectors, potential capacity for low density development (less than 25 dwellings per hectare) on Sector 901D, 901E, 901G is noted.*

#### Sector 901D, 901E and Orchard Street road reserve

*The Urban Design Consultant recommended Sector 901D be set aside as a park and lookout. Council staff have identified that Sector 901D is constrained by biodiversity, visual impact issues and high voltage overhead cables while Sector 901E comprises a battle-axe handle only. There is potential for Sectors 901D and 901E including the Orchard Street road reserve (north-east portion) to conglomerate, enabling more appropriate setbacks to constraints whilst maximise development potential across the two sectors.*

*Development controls will be developed to be incorporated into Pittwater 21 DCP as a future amendment to facilitate suitable residential form and retention of significant vegetation.*

#### Sector 901G

*Sector 901G adjoins Sector 901C which was recommended for development at 32 dwellings per hectare under the Strategic Review. The Urban Design Consultant recommended Sectors 901G and 901C be amalgamated for development (with the majority of the development placed on 901C, recognising asset protection zone and creekline buffer requirements constraining development on Sector 901G). Although Sector 901G is land-locked and constrained by biodiversity and the creekline corridor, this sector is owned by the same entity as Sector 901C, increasing likely opportunity of both sectors to be developed together...*

### Orchard Street Road Reserve

*Council's Urban Infrastructure Unit advised that the Orchard Street road reserve, being 30 metres wide, is unnecessarily wide and can be narrowed to a local street with designated on-street parking in accordance with the adopted Warriewood Valley Roads Masterplan (2006). The 30m road reserve width could be reduced to:-*

- 20 metres between to Fern Creek Road and Garden Street, and
- 16 metres, west of Fern Creek Road.

*The unnecessary portions of the Orchard Street road reserve... comprise approximately 2,825 square metres of additional land that can be utilized, for residential development, subject to rezoning, if amalgamated with the already closed road reserve parcels and adjoining privately owned properties fronting Orchard Street.*

*If agreed, administrative provisions to "close" the two portions of road reserve under the Roads Act and subsequent subdivision need to be undertaken separate to rezoning."*

This Planning Proposal is the outcome of the recommendation of Council staff to rezone this land to residential to facilitate low density development, consistent with Council's adopted Warriewood Valley Planning Framework 2010. These lands would be the last remaining parcels identified for residential development under the *Warriewood Valley Planning Framework 2010* and the recently adopted 2012 Strategic Review Report required to be rezoned. Rezoning of these lands will facilitate residential development that in turn, enables a range of densities and housing forms to occur in the Warriewood Valley Release Area.

## **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The Planning Proposal is the best means of achieving the intended outcome as Council is only able to grant consent for residential development on lands in Warriewood Valley listed in Clause 30B. Progressing the Planning Proposal is also the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP and introducing maximum dwelling numbers for Sector 901D and road reserve, 901E and 901G.

## **Section B Relationship to Strategic Planning Framework**

### **3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

Action C1 in the Draft North-East Subregional Strategy calls for ensuring the adequate supply of land and sites for residential development through the MDP. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. This Planning Proposal will increase housing supply and is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the Draft North-East Subregional Strategy, which calls for improving housing affordability. Once again, by increasing housing supply the Planning Proposal is consistent with such an action.

As the intended outcome of this Planning Proposal is to allow more dwellings to be built in the Warriewood Valley Release Area, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

**4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?**

This Planning Proposal is the outcome of the recommendation of Council staff to rezone this land to residential to facilitate low density development, supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

The Planning Proposal is consistent with Council's adopted *Warriewood Valley Planning Framework 2010* (adopted May 2010) insofar as it identified these lands to be designated residential under the Warriewood Valley Release Area, and Council's report of 12 June 2013 (agreed to by Council resolution) which detailed the development potential of these sectors.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see Appendix 1).

**6. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?**

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

**C Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Sectors 901D, 901E, adjoining Orchard Street Road Reserve (north-west portion), and 901G will be rezoned for urban development under this planning proposal.

The likelihood of critical habitats or threatened species, populations or ecological communities occurring in these lands did not arise during the investigative stages of the Warriewood Valley Strategic Review, which is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

This Planning Proposal is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy* and the findings of several environmental studies undertaken during the *Warriewood Valley Strategic Review* which considered flooding and water management, traffic and transport, urban design and economic feasibility issues.

Any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flooding, bushfire prone land, waste, land contamination, geotechnical hazards, heritage and traffic, through the Pittwater LEP and Pittwater 21 DCP.

Additionally site specific development controls subservient to statutory provisions, will be incorporated into Pittwater 21 DCP to facilitate suitable residential form and retention of significant vegetation.

**9. How has the planning proposal adequately addressed any social and economic effects?**

The lands the subject of this Planning Proposal comprises identified residential sectors within the Warriewood Valley Release Area (land release identified in the State Government's MDP). A suite of studies were undertaken for the original Warriewood Valley urban land release, including consideration of social and economic effects. This Planning Proposal will therefore not have any marked negative social or economic effects.

The north-west portion of Orchard Street Road Reserve to be rezoned does not require reclassification under the Local Government Act. It will however need to be "closed" under the Roads Act and subsequent subdivision, to be undertaken separate to this Planning Proposal.

**D State and Commonwealth interests**

**10. Is there adequate public infrastructure for the planning proposal?**

As the subject lands form part of the Warriewood Valley Land Release, public infrastructure is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)*. Council has commenced a review of this plan to account for the additional infrastructure required as a result of the additional dwellings now anticipated in the release area.

**11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

The Department of Planning & Infrastructure is attending to a review of flood evacuation requirements in regard to emergency flood evacuation policy and the requirements of the NSW State Emergency Service (SES) which arose during the investigative stages of the Warriewood Valley Strategic Review. It is understood that this intra-government review of its flood evacuation policy to resolve a consistent approach to land release development and flood evacuation requirements is due for completion in 2013. Council in forwarding this Planning Proposal to the Department, seeks that a flood emergency response policy satisfactory to the State Government is established before the Gateway Determination is issued for this Planning Proposal.

The following preliminary views were expressed by state and service agencies during the public exhibition of Council's local strategic plan for Warriewood Valley which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

- Based on up to an additional 500 dwellings, the DEC advises that there is adequate capacity at Narrabeen Sports High School to accommodate senior students.
- For primary students, the Department expects that there would be a need to increase capacity at either Narrabeen North Public School or Mona Vale Public School.

Response from Roads & Maritime Services (RMS):

- The RMS has advised that it supports the Strategic Review's recommendations, provided that:-
  - The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings, and

- No further development is approved for the area identified as the Southern Buffer until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections.

Response from Sydney Water:

- Sydney Water advises there is capacity in both water and wastewater systems to service the proposed density increase in Warriewood Valley.

Response from Ausgrid:

- Ausgrid expects that supply to the proposed development would be able to be provided from the electricity substations at Mona Vale or Narrabeen.

Response from Department of Health – Northern Sydney Local Health District (NSLHD):

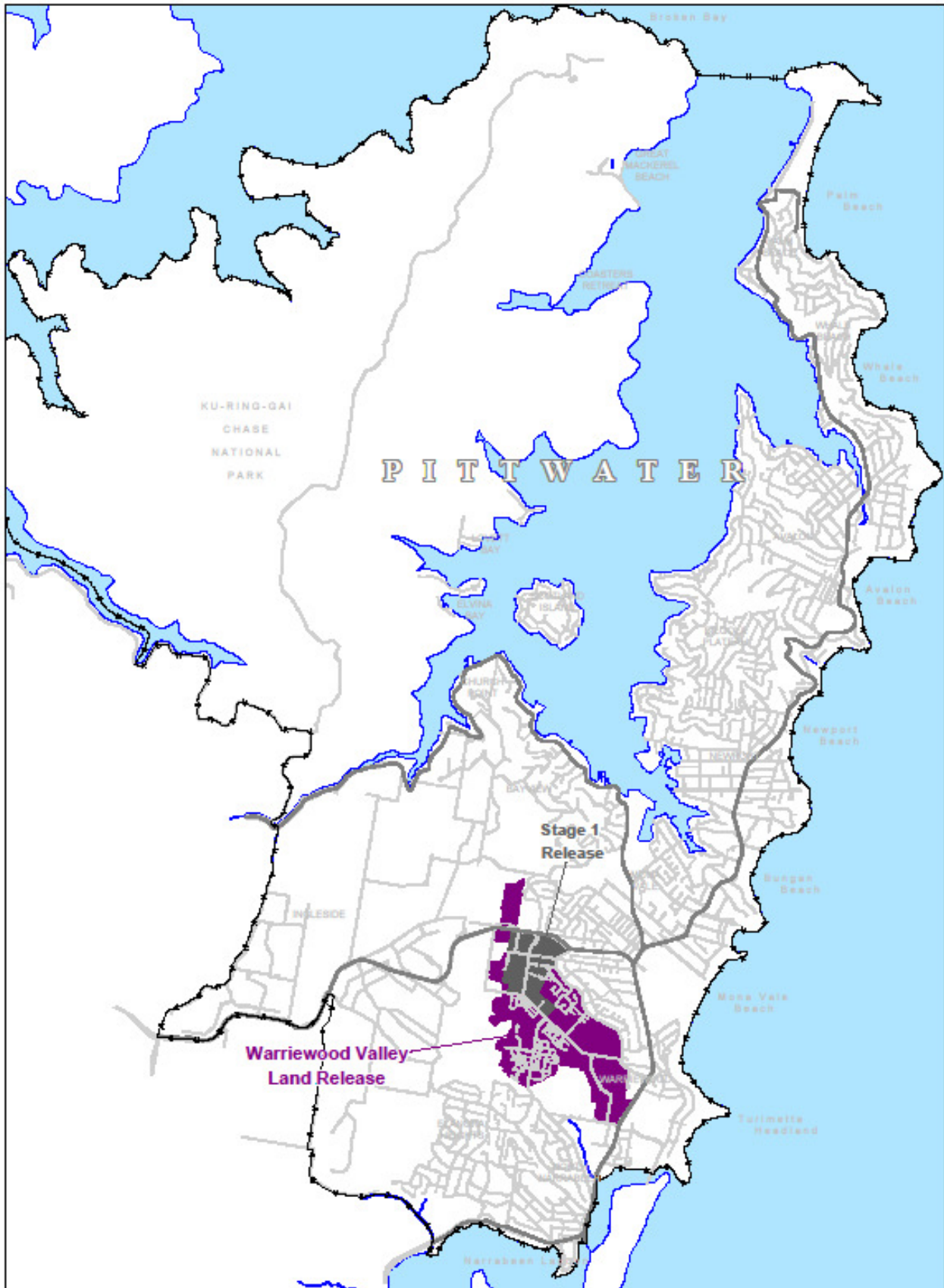
- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood, but recommends that cycleways be separated from traffic to allow for safe, active transport and to increase participant numbers.

Response from Office of Environment & Heritage (OEH)"

- The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

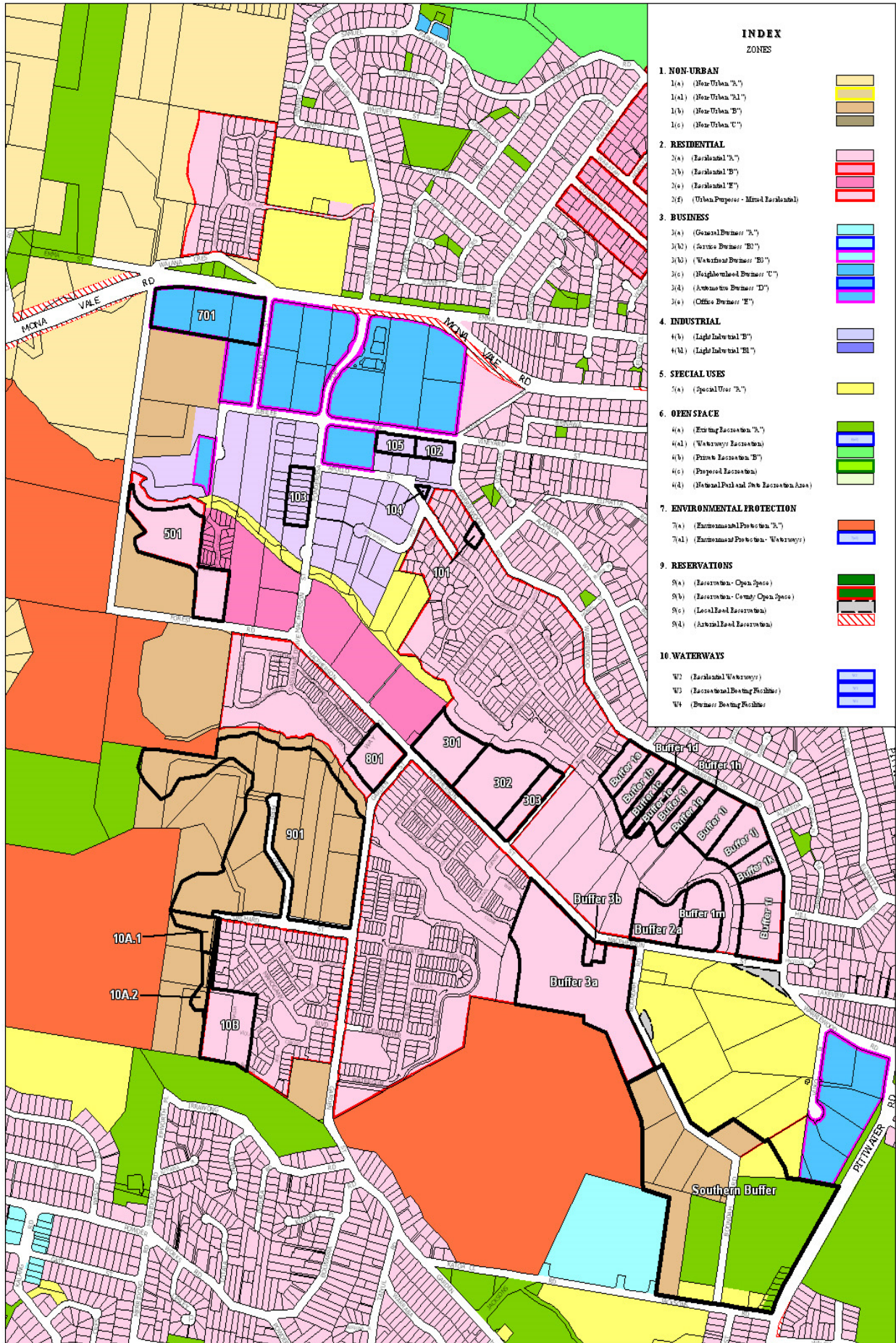
## PART 4 MAPPING

Map 1: Location Map – Warriewood Land Release Area





Map 2: Current Sectors – Warriewood Valley Planning Framework 2010





Map 3: Pittwater Local Environmental Plan 1993 Sheet 1



SCALE 1:5000

LOCALITY WARRIEWOOD

Sheet 1 of 3

2(f) - Urban Purposes - Mixed Residential

**2 ( f )**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**PITTWATER**

**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP832

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 5 - "The Zoning Map

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

**Map 4: Pittwater Local Environmental Plan Sheet 2**



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 2 of 3

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**PITTWATER**

**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13

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CERTIFICATE PLAN NO. PP832

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**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"  
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:



Map 5: Pittwater Local Environmental Plan Sheet 3



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 3 of 3

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**PITTWATER**

**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP832

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

## PART 5 COMMUNITY CONSULTATION

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This Planning Proposal is consistent with the pattern of surrounding land uses.

Infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)* which is currently being reviewed to account for additional infrastructure required as a result the additional dwellings now anticipated in the release area.

Subsequently, this Planning Proposal is considered a 'low impact' proposal.

In keeping with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period (*this may need to be extended if the exhibition occurs during the December to January school holiday period*)
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected and adjoining landowners at commencement of exhibition period
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

## PART 6 PROJECT TIMELINE

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<b>Planning Proposal Milestone</b>	<b>Timeframe</b>	<b>Anticipated Completion Date</b>
Date of Gateway determination	6 weeks from Council decision to forward Planning Proposal to Gateway	Mid July 2013
Completion of required technical information		COMPLETED 2012
Government agency consultation		Pre-exhibition consultation COMPLETED 2012
Public exhibition	14 days ( <i>pending school holiday period</i> )	August 2013
Consideration of submissions	4 weeks from close of public exhibition	Early September 2013
Consideration of proposal post-exhibition and report to Council	6 weeks from close of public exhibition	October 2013
Submission to Department to finalise LEP		Late October 2013 following Council decision
*RPA to make plan (if delegated)	6 weeks from Council decision	December 2013

*\*Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under section 59 of the Environmental Planning & Assessment Act in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.*

## Checklist – Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

<b>Title of State Environmental Planning Policy (SEPP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SEPP No 1 – Development Standards	YES	YES	
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	

SEPP No 65 – Design Quality of Residential Flat Development	YES	YES	
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES	
SEPP 71 – Coastal Protection	NO	N/A	
SEPP (Affordable Rental Housing) 2009	YES	YES	
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES	
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	
SEPP (Infrastructure) 2007	YES	YES	
SEPP (Major Development) 2005	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Rural Lands) 2008	NO	N/A	
SEPP (Temporary Structures) 2007	NO	N/A	
SEPP (Urban Renewal) 2010	NO	N/A	

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

<b>Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	N/A	

**Justification for inconsistency**  
NIL

## Checklist – Consideration of Section 117 Ministerial Directions

### 1 Employment and Resources

	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
1.1	Business and Industrial Zones	NO	N/A
1.2	Rural Zones	YES	<b>NO</b>
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

#### Justification for inconsistency with Director 1.2

The Planning Proposal so far as it is inconsistent with Direction 1.2 relates to the rezoning of Sectors 901D and adjoining Orchard Street road reserve, 901E and 901G in the Warriewood Valley Release Area from a rural zone to a residential zone. The subject lands have been identified in the State Government's MDP. The proposed rezoning is consistent with Council's Warriewood Valley Planning Framework 2010 (adopted May 2010).

### 2 Environment and Heritage

	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
2.1	Environmental Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	<b>NO</b>
2.4	Recreation Vehicle Areas	NO	N/A

#### Justification for inconsistency with Direction 2.3

The Planning Proposal seeks to rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G from a rural zone to a residential zone and seeks to introduce to maximum permissible dwelling yield provisions in regard to these sectors.

Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.



### 3 Housing, Infrastructure and Urban Development

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	<b>NO</b>
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

#### **Justification for inconsistency with Direction 3.2**

The Planning Proposal seeks to rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G from a rural zone to a residential zone and seeks to introduce to maximum permissible dwelling yield provisions in regard to these sectors.

The subject lands have been identified in the State Government's MDP. The planning and development of Warriewood Valley is based on a suite of environmental studies and objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial viability. These objectives form the basis for the planning and implementation of development in Warriewood Valley and have been consistently applied by Pittwater Council and agreed to by the Department of Planning and Infrastructure over the years. In this regard, it did not contemplate opportunities for caravan parks and manufactured home estates.

### 4 Hazard and Risk

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
4.1	Acid Sulphate Soils	NO	N/A
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	<b>NO</b>
4.4	Planning For Bushfire Protection	YES	<b>NO</b>

#### **Justification for inconsistency with Direction 4.3**

Sections of Fern Creek traverse Sector 901G and 9 Fern Creek Road. The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. Development Controls prohibit vertical structures to be erected on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

#### **Justification for inconsistency with Direction 4.4**

This Planning Proposal is inconsistent with the direction insofar as consultation has not occurred with the NSW Rural Fire Service.

## 5 Regional Planning

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A

### Justification for inconsistency

NIL

## 6 Local Plan Making

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Purposes	YES	<b>NO</b>

### Justification for inconsistency with Direction 6.3

The Planning Proposal in rezoning specified lands in the Warriewood Valley Release Area seeks a maximum permissible dwelling yield be applied. The application of Clause 30C, stipulating the maximum number of dwellings, is well established for the Warriewood Valley Release Area and is not a new provision.

## 7 Metropolitan Planning

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
7.1	Implementation of the Metropolitan Strategy	YES	YES

### Justification for inconsistency

NIL